

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

WILLIAM BRENT, #33660-177,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

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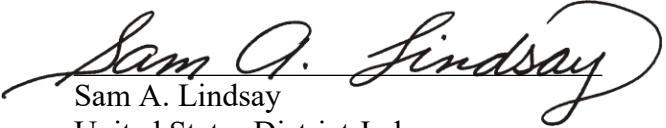
Civil Action No. **3:20-CV-00009-L**
(Criminal Action No. 3:05-CR-120-L)

ORDER

On January 16, 2020, United States Magistrate Judge Renée Toliver entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 3), recommending that Movant William Brent’s (“Movant”) *pro se* motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255 (Doc. 5), filed January 2, 2020, be construed as a successive motion challenging his conviction and transferred to the United States Court of Appeals for the Fifth Circuit. No objections to the Report were filed.

When a post-conviction motion is deemed successive, the district court lacks subject matter jurisdiction unless a panel of Fifth Circuit judges allows the successive motion to proceed. After reviewing the pleadings, file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court construes Movant’s motion to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255, as a successive motion for post-conviction relief. The court, therefore, lacks subject matter jurisdiction to entertain this action and **directs** the clerk of court to **transfer** the action to the United States Court of Appeals for the Fifth Circuit for determination.

It is so ordered this 22nd day of May, 2020.


Sam A. Lindsay
United States District Judge